

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**LEE ENTERPRISES, INC.
d/b/a ARIZONA DAILY STAR**

and

Case 28-CA-23267

BRIAN PEDERSEN

ORDER

The Acting General Counsel's Request for Special Permission to Appeal Administrative Law Judge Joel P. Biblowitz's oral ruling approving an informal settlement agreement settling the complaint allegations is denied on the merits.¹ We agree with the Respondent that the settlement substantially remedies the violations of the Act alleged in the complaint. See *Independent Stave Co.*, 287 NLRB 740, 741 (1987). To begin, the complaint is premised on a charge alleging violations of Section 8(a)(1) occurring at the Arizona Daily Star in Tucson, Arizona. Further, the complaint fails to either (1) allege any single integrated enterprise or single-employer relationship linking Lee Enterprises with the Arizona Daily Star, or (2) otherwise explain how Lee

¹ The Respondent contends that the Acting General Counsel's Request for Special Permission to Appeal should be rejected as untimely because it was not filed promptly. We reject this contention. Sec. 102.26 of the Board's Rules and Regulations does not specify an exact time frame for filing a request to file a special appeal, other than to say that it should be filed "promptly." The Acting General Counsel filed the appeal within 45 days after the judge issued his ruling approving the settlement agreement. There is no indication that any party has suffered prejudice due to the 45 days that elapsed between the judge's ruling and the filing of the appeal. In the absence of any showing of prejudice, we regard the motion as having been filed within the requirements of the rule. See generally *Excel DPM of Arkansas, Inc.*, 324 NLRB 880, 880 fn. 1 (1997) (rejecting a respondent's argument that the General Counsel's motion for summary judgment should be denied as untimely because it was not filed "promptly" within the meaning of Sec. 102.24(b) of the Board's Rules and Regulations, where the respondent did not show that it suffered prejudice due to the lapse of 5 months between the General Counsel's receipt of its answer to the complaint and the filing of the motion).

Enterprises can be held legally responsible for the alleged violations. Finally, we note that the Charging Party stated on the record that he is satisfied with the settlement as approved by the judge.

Dated, Washington, D.C., November 22, 2011.

MARK GASTON PEARCE,	CHAIRMAN
CRAIG BECKER,	MEMBER
BRIAN E. HAYES,	MEMBER